REMARKS

This application has been reviewed in light of the Office Action dated September 13, 2007. Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are presented for examination, with Claims 1 and 13 being in independent form. Claims 8, 11, 20 and 23 have been canceled, without prejudice or disclaimer of the subject matter presented therein. Claims 1, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

The Office Action states that Claims 1, 4, 6-13, 16 and 18-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,220,501 (*Lawlor et al.*), in view of U.S. Patent No. 4,864,497 (*Lowry et al.*). Applicants submit that independent Claims 1 and 13, together with the remaining claims dependent thereon, are patentably distinct from the prior art for at least the following reasons.

An important feature of Claim 1 is "the ATM control server being operative to generate payment instructions and a PIN code and transmit the payment instructions and the PIN code to an ATM, to enable the ATM to dispense the payment upon receipt of the PIN code." By virtue of this feature, a payor can transfer cash to a payee using an ATM machine without giving the payee the payor's ATM card or PIN code associated with the account to be debited.

As best understood by Applicants, *Lawlor et al.* performs conventional ATM transactions via remotely distributed data terminals. *Lawlor et al.* relates to a system for delivering financial systems to remote locations, in particular, by providing banking type financial transaction handling via remote data terminals. In *Lawlor et al.*, the remote

terminal accepts conventional ATM commands from a user and communicates these commands to a central computer. These commands may include account inquiry commands and commands to debit and credit accounts. The central computer then interfaces with banking institutions to effectuate these commands, "just as would a bank's computer serving its ATMs or as would a stand-alone ATM or POS terminal." *See Lawlor et al.* Col. 18, lines 19-50.

The Office Action cited *Lawlor et al.* Col. 21, lines 19-46, as teaching "the ATM control server being operative to generate payment instructions and a PIN code and transmit the payment instructions and the PIN code to an ATM, to enable the ATM to dispense the payment upon receipt of the PIN code." *See* Office Action page 3, first paragraph. Applicants respectfully disagree.

In that portion of *Lawlor et al.*, "bank B generates, in response to the user's request via the ATM message specifying the user's PIN . . . , the user's account number, the user's bank and the amount to be withdrawn," Col. 21. lines 22-27 (emphasis added). Bank B then sends the ATM withdrawal message to bank A, who validates the message, checks for a sufficient account balance and confirms the transaction with bank B, who dispenses the funds. In other words, *Lawlor et al.* describes a user having a bank account with bank A using an ATM machine of bank B to withdraw funds from his bank account with bank A. *Lawlor et al.* appears to utilize a conventional PIN code linked to the account at bank A for withdrawing the funds from the bank B ATM. *Lawlor et al.* simply fails to generate and transmit a PIN code to an ATM enabling the ATM to dispense payment of a previously entered payment request.

Nothing has been found in *Lawlor et al.* that would teach, suggest or otherwise result in "the ATM control server being operative to generate payment instructions and a PIN code and transmit the payment instructions and the PIN code to an ATM, to enable the ATM to dispense the payment upon receipt of the PIN code," as recited in Claim 1.

Furthermore, nothing has been found by Applicants in *Lowry et al.* that would remedy the deficiencies of *Lawlor et al.* as applied against the independent claims herein.

Therefore, Applicants submit that a combination of *Lawlor et al.* and *Lowry et al.*, assuming such a combination would even be permissible, would fail to teach or suggest a system for executing a cash payment via a computer network comprising, among other features, an "ATM control server being operative to generate payment instructions and a PIN code and transmit the payment instructions and the PIN code to an ATM, to enable the ATM to dispense the payment upon receipt of the PIN code," as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claim 13 is a method claim reciting features similar to those discussed above in connection with Claim 1. Accordingly, Claim 13 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an

additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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